

By: Schofield, Clardy

H.B. No. 1091

Substitute the following for H.B. No. 1091:

By: Schofield

C.S.H.B. No. 1091

A BILL TO BE ENTITLED

AN ACT

relating to special three-judge district courts convened to hear certain cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 2, Government Code, is amended by adding Chapter 22A to read as follows:

CHAPTER 22A. SPECIAL THREE-JUDGE DISTRICT COURT

Sec. 22A.001. MANDATORY PROCEEDINGS. (a) The attorney general may petition the chief justice of the supreme court to convene a special three-judge district court in any suit filed in a district court in this state in which this state or a state officer or agency is a defendant in a claim that:

(1) challenges the finances or operations of this state's public school system; or

(2) involves the apportionment of districts for the house of representatives, the senate, the State Board of Education, or the United States Congress, or state judicial districts.

(b) A petition filed by the attorney general under this section stays all proceedings in the district court in which the original case was filed until the chief justice of the supreme court acts on the petition.

(c) Within a reasonable time after receipt of a petition from the attorney general under Subsection (a), the chief justice of the supreme court shall grant the petition and issue an order

1 transferring the case to a special three-judge district court  
2 convened as provided by Section 22A.003.

3 Sec. 22A.002. DISCRETIONARY PROCEEDINGS. (a) The attorney  
4 general may petition the chief justice of the supreme court to  
5 convene a special three-judge district court in any suit filed in a  
6 district court in this state in which this state or a state officer  
7 or agency is a defendant in a claim that:

8 (1) has the potential to significantly impact this  
9 state's finances;

10 (2) has the potential to significantly alter the  
11 operations of important statewide policies or programs; or

12 (3) is otherwise of such exceptional statewide  
13 importance that the claim should not be decided by one district  
14 judge.

15 (b) The attorney general shall submit with a petition filed  
16 under this section a written certification that the claim on which  
17 the petition is based satisfies the jurisdictional requirements  
18 under Subsection (a).

19 (c) A petition filed by the attorney general under this  
20 section stays all proceedings in the district court to which the  
21 original case was assigned until the chief justice of the supreme  
22 court acts on the petition.

23 (d) The chief justice may request any party to a claim for  
24 which a petition is filed under this section to file a statement  
25 objecting to or supporting the attorney general's petition. A  
26 party may not file the statement unless it is requested by the chief  
27 justice. The statement may only address whether the claim

1 satisfies the jurisdictional requirements under Subsection (a).

2 (e) On receipt of a petition from the attorney general under  
3 Subsection (a), the chief justice may deny the petition or grant the  
4 petition and issue an order transferring the case to a special  
5 three-judge district court convened as provided by Section 22A.003.

6 (f) The chief justice's decision to deny or grant a petition  
7 under this section is final and may not be appealed or challenged.

8 (g) In ruling on a petition under this section, the chief  
9 justice:

10 (1) may consider whether:

11 (A) the petition satisfies the jurisdictional  
12 requirements under Subsection (a); and

13 (B) the resources available in this state's court  
14 system are sufficient to allow the claim to be heard by a special  
15 three-judge district court; and

16 (2) may not express an opinion on any question of law  
17 or fact arising from the claims in the petition.

18 Sec. 22A.003. SPECIAL THREE-JUDGE DISTRICT COURT. (a) On  
19 receipt of a petition under Section 22A.001 or on granting a  
20 petition under Section 22A.002, the chief justice shall order a  
21 special three-judge district court to convene and shall appoint  
22 three persons to serve on the court as follows:

23 (1) the district judge of the judicial district to  
24 which the original case was assigned;

25 (2) one district judge of a judicial district other  
26 than a judicial district in the same county as the judicial district  
27 to which the original case was assigned; and

1           (3) one justice of a court of appeals other than:

2                   (A) the court of appeals in the court of appeals  
3 district in which the original case was assigned; or

4                   (B) a court of appeals district in which the  
5 district judge appointed under Subdivision (2) sits.

6           (b) A judge or justice appointed under Subsection (a)(2) or  
7 (3) must have been elected to that office and may not be serving an  
8 appointed term of office.

9           (c) A special three-judge district court convened under  
10 this section shall conduct all hearings in the district court to  
11 which the original case was assigned and may use the courtroom,  
12 other facilities, and administrative support of the district court.

13           (d) The Office of Court Administration of the Texas Judicial  
14 System shall pay the travel expenses and other incidental costs  
15 related to convening a special three-judge district court under  
16 this chapter.

17           Sec. 22A.004. CONSOLIDATION OF RELATED ACTIONS. (a) In  
18 this section, "related case" means any case in which this state or a  
19 state officer or agency is a defendant that arises from the same  
20 nucleus of operative facts as the claim before a special  
21 three-judge district court under this chapter, regardless of the  
22 legal claims or causes of action asserted in the related case.

23           (b) On the motion of any party to a case assigned to a  
24 special three-judge district court under Section 22A.003, the court  
25 by order shall consolidate with the cause of action before the court  
26 any related case pending in any district court or other court in  
27 this state.

1       (c) A case consolidated under Subsection (b) must be  
2 transferred to the special three-judge district court if the court  
3 finds that transfer is necessary. The transfer may occur without  
4 the consent of the parties to the related case or of the court in  
5 which the related case is pending.

6       Sec. 22A.005. APPLICATION OF TEXAS RULES OF CIVIL  
7 PROCEDURE. (a) Except as provided by this section, the Texas Rules  
8 of Civil Procedure and all other statutes and rules applicable to  
9 civil litigation in a district court in this state apply to  
10 proceedings before a special three-judge district court.

11       (b) The supreme court may adopt rules for the operation of a  
12 special three-judge district court convened under this chapter and  
13 for the procedures of the court.

14       Sec. 22A.006. ACTIONS BY JUDGE OR JUSTICE. (a) With the  
15 unanimous consent of the three judges sitting on a special  
16 three-judge district court, a judge or justice of the court may:

- 17               (1) independently conduct pretrial proceedings; and  
18               (2) enter interlocutory orders before trial.

19       (b) A judge or justice of a special three-judge district  
20 court may not independently enter a temporary restraining order,  
21 temporary injunction, or any order that finally disposes of a claim  
22 before the court.

23       (c) Any independent action taken by one judge or justice of  
24 a special three-judge district court related to a claim before the  
25 court may be reviewed by the entire court at any time before final  
26 judgment.

27       Sec. 22A.007. APPEAL. (a) An appeal from an appealable

1 interlocutory order or final judgment of a special three-judge  
2 district court is to the supreme court.

3 (b) The supreme court may adopt rules for appeals from a  
4 special three-judge district court.

5 SECTION 2. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2015.